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OFFICE OF PETITIONS

In re Patent No. 7,758,080	: DECISION ON
Vidler, et al.	: REQUEST FOR RECONSIDERATION
Application No. 10/822,386	: of PATENT TERM ADJUSTMENT
Issue Date: July 20, 2010	: and
Filed: April 12, 2004	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. STD 1222PA /	: CERTIFICATE OF CORRECTION
41213.596	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d)", filed July 15, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from one thousand five hundred seven (1507) days to one thousand six hundred fifty (1650) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**.

On July 20, 2010, the instant application matured into U.S. Patent No. 7,758,080 with a patent term adjustment of one thousand five hundred seven (1507) days. The Office determined a patent term adjustment of 1507 days based upon 509 days of Office delay pursuant to 37 CFR 1.703(a)(1), 22 days of Office delay pursuant to 37 CFR 1.703(a)(2), 680 days of Office delay pursuant to 37 CFR 1.703(e), and 366 days of Office delay pursuant to 37 CFR 1.703(b), reduced by 40, 28, and 2 days of Applicant delay pursuant to 37 CFR 1.704(c)(8).

Patentees are correct that the proper amount of days over 36 months from the filing date of the application until the issue date was not included in the "B" delay period. The over three year period began on April 13, 2007 and ended on July 20, 2010, and is 1195 days. See 35 U.S.C. 154(b)(1)(B)(i). Subtracting the 680 days the application was under appeal pursuant to 37 CFR 1.703(b)(4), and the "B" delay period is 515 days.

In view thereof, the correct number of days of patent term adjustment is 1650 days (531 days of "A" delay and 515 days of "B" delay and 680 days of "C" delay, reduced by 6 days of overlap between "A" and "B" delay and 70 days of Applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand six hundred fifty (1650)** days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,758,080 B2

DATED : July 20, 2010

INVENTOR(S) : Vidler et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1507 days.

Delete the phrase "by 1507 days" and insert -- by 1650 days--